



## Proposed Procedural Changes for Permitting Process

### Shoreline Substantial Development Permit

Substantial Development Permits are required for all developments (unless specifically exempt) that meet the legal definition of “substantial development.” A substantial development is any development with a total cost or fair market value exceeding \$5,718, or that would materially interfere with normal public use of the water or shorelines of the state (regardless of cost).

Activities exempt from the Substantial Development Permit requirements include:

- Normal maintenance or repair of existing structures
- Owner-occupied single family residences and appurtenant structures
- Certain farming, irrigation, drainage and ranching activities
- Emergency construction to protect property from the elements
- Building bulkheads to protect single family residences
- Improving habitat, cleaning toxic waste, controlling weeds, or restoring watersheds
- Constructing docks designed for pleasure craft
- Site exploration and investigation activities
- Building navigation aids, marking property lines

An activity that is exempt from the requirement for a shoreline Substantial Development Permit is still required to comply with the shoreline management act and King County’s Shoreline Master Program.

The shoreline Substantial Development Permit is reviewed and processed by King County and then sent to the Washington State Department of Ecology for filing. Ecology’s guidelines require that in order to be approved, a Substantial Development Permit must be consistent with policies and procedures of the Shoreline Management Act, Ecology rules, and the local master program. King County reviews the Substantial Development Permit application for conformance with location, bulk and dimension, type of use, and other criteria in the Shoreline Master Program.

King County may condition the approval of a shoreline Substantial Development Permit if needed to ensure consistency of the project with the act and its Shoreline Master Program.

In addition, state rules prohibit issuance of permits for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where the Master Program does not prohibit the same and then only when overriding considerations of the public interest will be served.

### Statement of Shoreline Exemption

In order to ensure that developments that are exempt from the shoreline permit requirements are in compliance with shoreline regulations, King County currently requires an Application for a Shoreline Exemption.

King County is proposing to modify this requirement in its shoreline Master Program update. Ecology rules require a written exemption for activities that require a US Army Corp of Engineers Section 10 permit and activities that require a Section 404 approval under the federal Water Pollution Control Act. In addition, King County will require a written statement of exemption for all activities at or waterward of the ordinary high water mark. There is an exception for maintenance of agricultural drainages located in the shoreline if the drainage is not itself a shoreline of the state.

Even though a statement of exemption will not be required for other projects exempt from the shoreline substantial development permit, those projects must comply with the standards of the Shoreline Master Program. King County may impose

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conditions as part of development approvals through other County permit processes, such as a building permit. Examples of activities taking place waterward of the ordinary high water mark include: new bulkheads and other shoreline stabilization; and new docks, piers, moorage buoys, and floats.

### Shoreline Variance

A shoreline variance is used to grant relief from bulk, dimensional or performance standards in the Shoreline Master Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or conflict with shoreline policies.

### Shoreline Conditional Use

Shoreline conditional uses allow greater flexibility in applying regulations of the Shoreline Master Program. Conditional uses are listed as such in King County's Shoreline Master Program. If the Program does not address a particular use, it is also conditional. A proposal must meet State conditional use criteria and be consistent with other environment and use requirements. A conditional use approval may be required even if a proposed use is otherwise exempt from permit requirements. Conditional uses cannot be used to approve a use that is specifically prohibited in the Master Program. County approved conditional uses are sent to ecology at the end of the local appeal period.

Ecology must approve, deny or condition every conditional use within 30 days of receiving a complete permit application.

King County is proposing to require conditional use approval for some types of development proposals. For example, new shoreline stabilization, or docks or piers in the Natural and Resource environments; residential development within the Natural environment; and placement of dredged fill in a channel migration hazard zone would all be conditional uses.